

IN RE: Proposed Ordinance for : Request Filed: February 5, 2007  
Initiative and Referendum :  
Process : Advisory Opinion No. 5

## **I. PROCEDURAL HISTORY AND QUESTION PRESENTED**

## II. DISCUSSION

We, the people of Reading, Berks County, in order to secure the fullest measure of city home rule and responsive, effective and economical local self-government under the Constitution and laws of the Commonwealth of Pennsylvania, do hereby adopt this Charter as our instrument of government.

<sup>1</sup> The Board is granted the authority to render advisory opinions concerning matters of home rule or enforcement of the City Charter. Charter Board Ordinance at Section VI.

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rights are fundamental as granted by the Charter. To that end, the Charter enables citizens to exercise the right of initiative and referendum and describes how these rights are exercised at the local level.<sup>3</sup>

As noted in Advisory Opinion No. 3, dated November 22, 2006, the Board opined that Article XI of the Charter compliments the Pennsylvania Election Code, 25 P.S. §§ 2600, *et seq.* (“Election Code”). As further discussed within Advisory Opinion No. 3, Pennsylvania election law provides that referendum and initiative petitions are conducted as special elections, as defined by the Election Code. In other words, even where local regulations exist, home rule municipalities continue to be governed by state election law. Home rule municipalities may make provisions governing the circulation, signing and filing of referendum petitions, but state election law must be followed at all times, even where there are, or are not, local regulations. *See generally* Advisory Opinion No. 3 (Nov. 22, 2006).

The intention of this Advisory Opinion is not to declare the ordinance proposed by the City Clerk to be, or not to be, in compliance with the Election Code. That role is left to the courts of the Commonwealth of Pennsylvania. Rather, this Advisory Opinion solely seeks to address the compliance of the Proposed Ordinance with the Charter and to promote discussion, analysis and examination of how the rights granted to the citizens of Reading by the Charter and state law may be most fully realized.

With this in mind, the Board is concerned that the Proposed Ordinance as written may be open to legal challenge in several areas. The Board believes the Proposed Ordinance contains provisions which exceed ministerial clarifications and, in fact, may be substantively or procedurally at odds with the Charter and the Election Code.

The Board’s concerns are as expressed below.

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<sup>3</sup> *See* Charter at Article XI, *generally*

**A. General Comments**

The Proposed Ordinance violates the Charter to the extent that it grants to the City Clerk power or authority to examine submitted petitions beyond making a mere facial determination of compliance with Charter Section 1104. Section 1105 of the Charter limits the power of the City Clerk to determining the “sufficiency” of a petition as compared to the requirements of Section 1104. In other words, the Charter does not authorize or empower the City Clerk to do anything more than to examine the facial sufficiency of the petitions.

For instance, on the number of signatures required, Section 1-1112(A) of the Proposed Ordinance states that no “petition for referendum<sup>4</sup> shall be filed with the City Clerk unless it contains the required number of signatures.” The City Clerk’s proper responsibility is to be sure that 2000 signatures appear on the petition.

However, the examination called for in Section 1-1112 of the Proposed Ordinance appears to call for more than a mere facial examination<sup>5</sup> as stated in paragraph (A) of that section. For instance, sub-parts (4), (5) and (6) of paragraph (B) are problematic.

Sub-part (4) speaks of information “which was not completed by the elector or a person qualified to assist the elector shall not be counted.” Unless that defect appears on the face of the petition, further examination by the City Clerk into the signing of the petition would appear improper during a face value examination.

Sub-part (5) specifically authorizes the City Clerk to affirmatively examine voter registration records and to make a determination of whether or not “the signature and

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<sup>4</sup> The Board presumes the Proposed Ordinance will also include initiative, and not just referendum, in the first sentence of Section 1-1112(A).

<sup>5</sup> A facial examination necessarily is one involving only an examination of the information contained within the petition and does not permit the examination of other information outside the document itself. The Proposed Ordinance, following the Charter to a degree, requires the City Clerk to make only an “initial face value determination.” Proposed Ordinance at Section 1-1112(A).

information” on the petition matches with it.<sup>6</sup> Such an examination and determination clearly goes beyond a facial examination of the petitions.

Sub-part (6) also authorizes the City Clerk to make an affirmative determination of whether or not an individual is a registered elector in the City. Again, such a determination by the City Clerk requires the examination of information located outside of the petition.

Empowering the City Clerk to do more than make a facial examination is problematic because it places the City Clerk in the position of making a finding of fact concerning a person’s status as a qualified voter or as to residency, or the correctness of voter registration information on file. The City Clerk’s role is ministerial in nature.<sup>7</sup> A finding of sufficiency by the City Clerk, as required by Section 1105 of the Charter, does not permit the exercise of discretion or judgment by the City Clerk as would be permitted under portions of Section 1-1112 of the Proposed Ordinance.

By analogy, it is instructive to review the law governing objections, withdrawals and certifications of nomination petitions as it relates to county boards of election. 25 P.S. §§ 2936, 2937. Section 2936 itemizes the grounds on which a county board of elections may reject the filing of a nomination petition. None of the specified grounds for rejection involve the exercise of the discretion of the county board of elections, rather, all of the grounds involve only a ministerial, facial examination, of the petitions.<sup>8</sup> As 25 P.S. § 2937 points out, the burden then

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<sup>6</sup> The Proposed Ordinance does not define “Voter Registration Records.” The Board presumes the City Clerk to mean the voter registration records of the City of Reading.

<sup>7</sup> “Ministerial” is defined as “relating to or being an act done after ascertaining the existence of a specified state of facts in obedience to legal and esp. statutory mandate without exercise of personal judgment or discretion.” *Merriam-Webster's Dictionary of Law*. Merriam-Webster, Inc. <http://dictionary.reference.com/browse/ministerial> (accessed: March 02, 2007).

<sup>8</sup> One possible exception applicable to a county board of elections concerns the “genuineness of any signature.” 25 P.S. § 2936(c). The Charter does not permit the City Clerk to make that examination and the Proposed Ordinance does not address examining the “genuineness” of signatures.

shifts to an opposing party to file objections to the petition. Indeed, other than the items permitted to be examined by the county board of elections as provided in 25 P.S. § 2936, petitions received and filed are presumed to be valid unless challenged by the filing of a petition before the court of common pleas. This system removes the county board of elections from the roles of advocate, challenger and finder of fact, and expressly limits the board's examination of petitions to the content of the petitions themselves.

The Board believes that the City Clerk must be guided by the provisions of the Election Code governing nomination petitions. The *Referendum Handbook*, Commw. of Penna., Dept. of Community and Economic Dev., 8<sup>th</sup> ed. (1999), provides that the Election Code's provisions on nomination petitions should be followed in the absence of other law. *Id.* at 6. The Board also notes, again, that the Charter only permits a facial examination by the City Clerk for the sufficiency of the petitions as to the requirements of Section 1104.

To the extent the Proposed Ordinance provides for practices and procedures contrary to the aforementioned discussion, the Proposed Ordinance violates the Charter of the City of Reading.

**B. Section 1-1100**

The sentence “[w]ithout local regulation on initiative and referendum, Home Rule municipalities are subject to state elections law; however, the PA Elections Code addresses the use of nomination petitions for those seeking elected office but is silent on procedures for circulating, signing and filing of initiative and referendum petitions,” is not accurate. Pennsylvania election law provides that referendum and initiative petitions are conducted as special elections, as defined by the Election Code. In other words, even where local regulations exist, home rule municipalities continue to be governed by state election law. Home rule

municipalities may make provisions governing the circulation, signing and filing of referendum petitions, but state election law must be followed at all times, even where there are, or are not, local regulations. *See* Advisory Opinion No. 3, dated November 22, 2006.

The Board recommends striking the aforementioned sentence.

**C. Qualified Voter**

Section 1104 of the Charter requires that initiative and referendum petitions must be signed by 2000 qualified voters. Pennsylvania law defines a qualified voter as:

Every citizen twenty-one years of age, possessing the following qualifications, shall be entitled to vote at all elections subject, however, to such laws requiring and regulating the registration of electors as the General Assembly may enact.

1. He or she shall have been a citizen of the United States at least one month.

2. He or she shall have resided in the State ninety (90) days immediately preceding the election.

3. He or she shall have resided in the election district where he or she shall offer to vote at least sixty (60) days immediately preceding the election, except that if qualified to vote in an election district prior to removal of residence, he or she may, if a resident of Pennsylvania, vote in the election district from which he or she removed his or her residence within sixty (60) days preceding the election.

PA Const. Art. 7, § 1. Since this constitutional provision controls this issue, the definition of a qualified voter of the City should be consistent therewith.

The Board recommends that the language in Proposed Ordinance Sections 1-1102 and 1-1107 be modified. First, the second phrase of Section 1-1102(A) should be deleted and re-written as follows: “a qualified voter of the City is a resident of Reading who is registered and constitutionally entitled to vote in Pennsylvania.” Second, the text of Section 1-1107 should be

deleted and re-written as follows: “Initiative and referendum petitions must be signed in ink or indelible pencil by 2000 qualified voters of the City.”

**D. Section 1-1103**

The Board agrees with the need for the City Clerk to provide uniform form petitions.

The Board views paragraph 6 of Section 1-1103 to be capable of an interpretation that would violate the Charter. The Board suggests language for paragraph 6 such as: “No corrections, additions or alterations shall be made to the form of the petitions issued by the City Clerk to the Petitioner’s Committee.”

Further, the Board views the last sentence of Section 1-1103 to also be capable of an interpretation that would violate the Charter. The Board recommends that the last sentence of Section 1-1103 be deleted and rewritten as follows:

“The Clerk shall make available at all times during the ordinary business hours of the City Clerk’s Office petition blanks of the form described above, as well as Petitioner’s Committee affidavits as per Section 1-1102. However, the Clerk may not refuse to accept either Petitioner’s Committee affidavits or petitions solely on the basis of Sections 1-1102(B) and 1-1103 of this Ordinance, when such petitions or affidavits are otherwise compliant with the Charter and state law.”

To “protect and promote the right of citizens to participate in a positive and constructive manner in the government of the City” requires access by the citizens of Reading to any pre-printed form affidavits or petitions at all times during the ordinary business hours of the City Clerk’s Office. The Proposed Ordinance is silent on access to such pre-printed petitions and affidavits. The aforementioned suggested language secures access to the Clerk’s pre-printed forms for the citizens of the City of Reading.

**E. Section 1-1111**

Section 1-1111 should be clear that, except with respect to the number of signatures obtained, failure to comply with this section shall not permit the City Clerk to refuse the filing, but rather require the Clerk to advise the Petitioner's Committee of its right to amend or re-submit within a specified period of time, as provided by the Charter.

**F. Section 1-1112**

The Board recommends that the initial sentence of Section 1-1112(B) be deleted and re-written as follows: "The City Clerk's determination of sufficiency shall be based on a facial examination of the petition to find whether signatures of individuals are insufficient in the following categories:"<sup>9</sup>

Further, the Board recommends that paragraph B(7) of Section 1-1112 is unclear and should be deleted.

**III. OPINION OF THE BOARD**

The Opinion of the Board incorporates herein Section II(A) to (F), above. Nothing herein shall be construed as an endorsement of any particular language or provision of the Proposed Ordinance as being in compliance with state election law.

CITY OF READING CHARTER BOARD

Date: March 6, 2007

By: Susan J. Gibson  
Susan Gibson, Chair

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<sup>9</sup> See Discussion, Section II(A), General Comments, *supra*.



BILL NO. \_\_\_\_\_

## AN ORDINANCE

**AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF  
READING BY ADDING A NEW PART 11 TO THE ADMINISTRATIVE CODE –  
INITIATIVE AND REFERENDUM****THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:**

**SECTION 1.** Amending the Codified Ordinances by adding a new Part 11 to the Administrative Code – Initiative and Referendum, as attached in Exhibit A.

**SECTION 2.** This ordinance shall be effective ten (10) days after its adoption and approval by the Mayor, or repassage by City Council over the Mayor's veto, in accordance with Section 219 of the City of Reading Home Rule Charter, or as set forth in Section 221 of the City of Reading Home Rule Charter.

Enacted \_\_\_\_\_, 2007

\_\_\_\_\_  
President of Council

Attest:

\_\_\_\_\_  
City Clerk**(Council Staff)**

Submitted to Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

Received by the Mayor's Office: \_\_\_\_\_

Date: \_\_\_\_\_

Approved by Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

Vetoed by Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

**(Exhibit A)****1-1100 Declaration of Purpose:**

The City of Reading City Council recognizes the importance of protecting and promoting the ability of our citizens to participate in government through Initiative and Referendum. Since the change to Home Rule government there have been approximately 10 citizen petitions efforts. The lack of clear instruction on the circulation and signature verification of initiative and referendum petitions in the Charter has caused many procedural problems, resulting in court challenges and legal fees to both the City and citizen groups. Without local regulation on initiative and referendum, Home Rule municipalities are subject to state elections law; however, the PA Elections Code addresses the use of nomination petitions for those seeking elected office but is silent on procedures for circulating, signing and filing of initiative and referendum petitions. Therefore through the enactment of this ordinance, City Council sets out regulations pertaining to the circulation and signing of initiative and referendum petitions to assist Reading voters with their rights to participation provided by the Home Rule Charter.

**1-1101. Initiative and Referendum.**

**A. Initiative.** The qualified voters of the City shall have the power to propose ordinances to the Council. If the Council fails to adopt such an ordinance, the initiative process may be commenced giving the qualified voters of the City the opportunity to adopt or reject said ordinance at a City election. (*Charter, 11/3/1993, §1102*)

**B. Referendum.** The qualified voters of the City shall have the power to require reconsideration by the Council of any adopted ordinance. If the Council fails to repeal an ordinance so reconsidered, the referendum process may be commenced giving the qualified voters of the City the opportunity to approve or reject said ordinance at a City election. (*Charter, 11/3/1993, §1102*)

**1-1102. Initiative and Referendum; Commencement of Proceedings; Petitioners Committee; Affidavit.**

**A.** Any five qualified voters of the City may commence initiative or referendum to be a qualified voter; a qualified voter is a resident of the City of Reading who is registered to vote in the City of Reading.

**B.** A qualified voter shall obtain a Petitioner's Committee Affidavit from the City Clerk.

**C.** The Petitioner's Committee Affidavit shall state the names and addresses of 5 qualified voters who will constitute the Petitioner's Committee and be responsible for circulating the petition and filing it in proper form, and specifying the address to which

all notices to the committee are to be sent, and setting out in full the proposed initiative ordinance or the ordinance sought to be reconsidered.

D. In case of referendum, such an affidavit must be filed within 10 days of the adoption of the ordinance

E. Within 5 days after the Petitioner's Committee Affidavit is filed and validated, the City Clerk shall issue the appropriate petition blanks to the petitioners. (*Charter*, 11/3/1993, §1103)

### **1-1103. Form and Content**

The form and content of each petition shall be prepared as follows:

1. Uniform in size and style on 8 ½ x 11 paper, marked sequentially and/or contain a serial number
2. Have an Affidavit of Circulator, as defined in Section 1-1104 below
3. Contain complete text of the initiative ordinance being considered or the ordinance to be considered for repeal by referendum, as stated in Section 1-1105 or 1-1106 below.
4. Contain no more than 20 signature lines for the printed name, address, ward, precinct, signature of each person signing the petition, and the date signed.
5. Contain a Warning Statement advising that it is a felony for anyone to sign any initiative or referendum petition with any name other than his/her own, or to knowingly sign his/her name more than once for the same proposal, or to sign such petition when he/she is not a legal voter in the City of Reading.
6. There shall be no corrections, additions or alterations to the petitions by any party after they are issued to the Petitioner's Committee.

Any petition not following the form and content set out above shall be declared invalid.

**1-1104. Affidavit of Circulator.** Each paper of a petition shall have attached to it upon filing a notarized affidavit executed by the circulator thereof stating that he or she personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in the circulator's presence, and believes them to be valid and that each signer had an opportunity before signing to read the full text of the ordinance proposed or sought to be reconsidered. (*Charter*, 11/3/1993, §1102)

**1-1105. Initiative Petitions.** All Initiative Petitions shall contain an initiative statement, describing the intent of the ordinance not exceeding 100 words, phrased in the form of a question that can be answered only with an affirmative or negative response. The

initiative statement may be distinct from the petitioner's title of the measure, and shall express and give a true and impartial statement of the purpose of the measure. It shall not intentionally be an argument, nor likely to create prejudice, either for or against the measure. This statement shall be delivered to the City Clerk at the time the request for the Petitioner's Committee Petition form is requested. Each petition shall also have attached to it the full body of the initiative ordinance.

**1-1106. Referendum Petitions.** All Referendum Petitions shall contain the title of the bill enacted by City Council as well as the bill number and date of enactment of the bill sought to be repealed. Each petition shall also have attached to it the full body of the bill sought to be repealed.

**1-1107. Signatures.** Initiative and referendum petitions must be signed in ink or indelible pencil by 2000 Reading residents who are registered to vote in the City of Reading.

**1-1108. Circulation of Petitions.** The Petitioner's Committee shall be responsible for instructing circulators on the regulations and guidelines for circulating petitions, as contained herein.

A. All circulators must reside in the City of Reading and be registered to vote in the City of Reading.

B. Each person collecting signatures must allow any person to review the text of the initiative ordinance or ordinance to be reconsidered.

C. Each signature collected must be personally witnessed by the circulator.

D. The circulator must complete the Affidavit of Circulator before a Notary Public after all the signatures on the sheet have been collected.

E. Circulators must not attempt to obtain signatures of persons knowing that the person signing the petition is not qualified to sign it.

F. Circulators must not offer money or any thing of value to another person or threaten a person to sign or not to sign a petition, nor shall they sell or offer to sell signature sheets.

G. Circulators must not accept compensation to circulate a petition that is based on the number of signatures obtained.

H. Violations of the circulator regulations may result in conviction of a felony with a fine and/or prison for up to 5 years.

**1-1108. Time for Filing Referendum Petitions.** Referendum petitions must be filed within 35 days after the filing of the Petitioner's Committee Affidavit. The City Clerk shall only accept petitions filed by the Petitioner's Committee. The City Clerk shall not accept any petitions submitted by any other circulators, representatives or agents thereof.

**1-1109. Time for Circulation and Filing Initiative Petitions.** Initiative petitions must be circulated and signed within a period of 65 days from the date of the filing of the Petitioners Committee Affidavit with the City Clerk. The City Clerk shall only accept petitions filed by the Petitioner's Committee. The City Clerk shall not accept any petitions submitted by any other circulators, representatives or agents thereof.

**1-1110. Referendum Petitions; Suspension of Effect of Ordinance.**

When a referendum petition is filed with the City Clerk, the ordinance sought to be reconsidered shall be suspended from taking effect. Such suspension shall terminate when:

A. There is a final determination of insufficiency of the petition.

B. The Petitioner's Committee withdraws the petition.

C. Council repeals the ordinance.

D. Thirty-five days have elapsed since the issue of the affidavit and the required number of signatures have not been secured. (*Charter, 11/3/1993, §1106*)

**1-1111. Submission of Petitions**

Before submitting the signature sheets for verification, the Petitioner's Committee must stack petition packs beginning with the number 1 and continue sequentially until all sheets petitions issued are accounted for. The petitions submitted must contain at least 2000 original signatures. The Petitioner's Committee must also include a letter stating how many signatures they purport to have.

**1-1112. Initiative and Referendum; Procedure after Filing.**

**A. Sufficiency of Petitions – Determination**

No petition for referendum shall be filed with the City Clerk unless it contains the required number of signatures. Upon filing of a petition for initiative or referendum with the City Clerk, the City Clerk shall make an initial face value determination of

sufficiency and report the results thereof to the City Council within two (2) days of the date of such filing. The City Clerk shall make a final determination of sufficiency of the petitions and the signatures contained thereon as stated in Section 1-1113 below.

B. The City Clerk's determination of sufficiency shall be based upon a review of the petition to find whether signatures of individuals are insufficient in the following categories:

1. Address shown by signer is not located within the city limits of the City of Reading;
2. Any signature appearing on the petition more than once, in which event all signatures of said individual shall be deleted except one;
3. More than one individual signature is on a signature line, in which event the line shall count as one;
4. Signature lines containing incomplete information or information which was not completed by the elector or a person qualified to assist the elector shall not be counted;
5. Signature and information that does not match Voter Registration Records;
6. Signatures of individuals who are not registered electors in the city.
7. No more than 20 signatures per petition pack shall be considered

C. The petition may not be removed and no signature may be removed or deleted by a signer, circulator, or representative of a circulator or signer after the petitions have been filed with the City Clerk. Any request to remove a signature shall be made in writing to the City Clerk. A signature may only be removed between the initial and final sufficiency determination by the City Clerk. Copies of the petitions submitted will not be provided to the Petitioner's Committee by the City.

**1-1113. Certificate of Clerk; Amendment.** Within 20 days after the petition is filed, the City Clerk shall complete a certificate as to its sufficiency, specifying, if it is insufficient, the particulars wherein it is defective and shall promptly send a copy of the certificate to the Petitioner's Committee by registered mail.

A petition certified insufficient for lack of the required number of valid signatures may be amended once if the Petitioner's Committee files a notice of intention to amend it with the City Clerk within 2 days after receiving the copy of the certificate and files a supplementary petition upon additional papers to be supplied by the City Clerk within 10 days after receiving the copy of such certificate.

Such supplementary petition shall comply with the requirements of this Chapter and within 5 days after it is filed, the City Clerk shall complete a certificate as to the sufficiency of the petition as amended and promptly send a copy of such certificate to the Petitioner's Committee by registered mail as in the case of an original petition.

If a petition or amended petition is certified insufficient and the Petitioner's Committee does not elect to amend or request Council review under Section 1-1114 within the time required, the City Clerk shall promptly present their certificate to the Council and the certificate shall then be a final determination as to the sufficiency of the petition. (*Charter*, 11/3/1993, §1102)

**1-1114 Council Review.** If a petition has been certified insufficient and the Petitioner's Committee does not file notice of intention to amend it, or if an amended petition has been certified insufficient, the committee may, within 2 days after receiving the copy of such certificate, file a request that it be reviewed by the Council. The Council shall review the certificate at its next meeting following the filing of such request and approve or disapprove it, and the Council's determination shall then be a final determination as to the sufficiency of the petition. (*Charter*, 11/3/1993, §1102)

**1-1115. Court Review; New Petition.** A final determination as to the insufficiency of a petition shall be subject to court review. A final determination of insufficiency, even if sustained upon court review, shall not prejudice the filing of a new petition for the same purpose. (*Charter*, 11/3/1993, §1105)

**1-1116. Initiative and Referendum; Action on Petitions.**

**A. Action by Council.** When an initiative or referendum petition has been finally determined sufficient, the Council shall promptly consider the proposed initiative ordinance in the manner provided in Article II of the Charter or reconsider the referred ordinance by voting its repeal. If the Council fails to adopt a proposed initiative ordinance without any change in substance within 60 days or fails to repeal the referred ordinance within 30 days after the date the petition was finally determined sufficient, it shall submit the proposed or referred ordinance to the voters of the City. (*Charter*, 11/3/1993, §1102)

**B. Submission to Voters.** The question shall be placed on the ballot at the next primary, municipal or general election occurring at least 35 days after final Council action. Copies of the proposed and referred ordinance shall be made available at the voting precincts. (*Charter*, 11/3/1993, §1102)

**C. Withdrawal of Petitions.** An initiative or referendum petition may be withdrawn at any time prior to the 45th day preceding the day scheduled for a vote of the City by filing with the City Clerk a request for withdrawal signed by at least four members of the Petitioner's Committee. Upon the filing of such request, the petition shall have no further force of effect and all proceedings thereon shall be terminated. (*Charter*, 11/3/1993, §1107)

**1-1117. Initiative and Referendum; Results of Election.**

**A. Initiative.** If a majority of the qualified voters voting on a proposed initiative vote in its favor, it shall be considered adopted upon certification of the election results and shall be treated in all respects in the same manner as ordinances of the same kind adopted by the Council. If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.

**B. Referendum.** If a majority of the qualified voters voting on a referred ordinance vote against it, it shall be considered repealed upon certification of the election. (*Charter*, 11/3/1993, §1108)

**1-1118. Initiative and Referendum; Limitations.**

**A. Default of Initiative and Referendum.** Any ordinance proposed or sought to be reconsidered which is rejected by the qualified voters in an election cannot be resubmitted for initiative and referendum for a period of 2 years from the date of the election where the ordinance was defeated. (*Charter*, 11/3/1993, §1102)

**B. Repeal or Modification of Initiative and Referendum by Council.** The Council shall take no action to repeal or significantly modify an ordinance adopted by initiative and referendum within a period of 2 years from the date of the election at which the ordinance was approved. (*Charter*, 11/3/1993, §1102)

**C. Limit on the Number of Initiative and Referendum.** No more than two initiative and two referendum measures may be placed on the ballot at any primary, municipal or general election. The first two initiative and referendum measures which are filed with the City Clerk will be the only ones allowed on the ballot. (*Charter*, 11/3/1993, §1109)